IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.42616 of 2008

1.KAPIL DEV THAKUR,
s/o Late Hari Bansh Thakur
2.Ajay Thakur,
s/o Late Sarban Thakur
3.Bhola Thakur,
s/o Late Sarban Thakur
All resident of Village Baijnathpur,
P.S. Sajour, District Bhagalpur

--------Petitioners

Versus

STATE OF BIHAR

---

2. 12.11.2008 A supplementary affidavit has been filed on behalf of the petitioners.

Heard the learned counsel for the petitioners and the State.

WEB COPY NOT OFFICIAL

The petitioners are apprehending their arrest in connection with Kajraili P.S. Case No.01 of 2008 for the alleged offences registered under sections 302, 201 and 364A/34 of the Indian Penal Code.

It is submitted that the petitioners are not named accused. The specific allegation is against co-accused Babloo, who is alleged to have taken the husband of the informant on the motor-cycle and the co-accused Arun Singh, who is alleged to be inimical terms with the husband of the informant. One day earlier to the date of occurrence said co-accused Arun Singh was passing through the land of the

informant, which was objected by the husband of the informant, to which Arun Singh told him that he will reap the consequences and on the subsequent date, the husband of the informant was found dead.

Submission is that there is absolutely no allegation in the F.I.R. against the petitioners nor the informant has expressed suspicion on them. The names of the petitioners have figured during the investigation since the motorcycle number was mentioned in the F.I.R. Learned counsel submits that petitioner no.1 is Mukhiya and there is a criminal case on account of murder of his father as detailed in paragraph 11 of the petition in which Bhopali Singh, Ram Pravesh Mandal and Arun Mandal were the chargesheeted accused persons and in course of the investigation of this case, they have mentioned that the motor-cycle belongs to petitioner no.1. Learned counsel further submits that there are no criminal antecedents against these petitioners.

WEB COPY NOT OFFICIAL

The learned APP appearing on behalf of the State submits that although there is no allegation in the F.I.R., but it appears that during investigation names of the petitioners

have come since they alleged that the motor-cycle in question which was used belongs to petitioner no.1.

Considering the facts and circumstances of the case, let petitioners no.1 to 3 above named, in the event of their arrest or surrender in connection with Kajraili P.S. Case No.01 of 2008, within a period of four weeks from today, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

WEB COPY NOT OFFICIAL

PNM **(Shailesh Kumar Sinha, J.)**